



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IV	Out of Home Placement	
Chapter:	C	Adoption	5-14-2012
Subchapter:	8	Adoption Subsidy	
Issuance:	700	Hearing Rights Related to Adoption Subsidy	

Purpose 5-10-2010

This section discusses the hearing rights of resource or selected home adoptive applicants or parents regarding the adoption subsidy program.

Authority 5-14-2010

- N.J.A.C. 10:121-1.7, Administrative Hearings
- N.J.A.C. 10:120A, Dispute Resolution
- N.J.S.A. 30:4C-4
- Section 471 (a)(12) and 473 of the Social Security Act

Circumstances Under Which an Appeal May Be Filed 5-14-2012

An adoptive applicant or parent has **the right to request an Administrative Hearing** if he or she wishes to appeal an **adverse action** regarding:

- Adoption subsidy payments or services (including a denial, an inadequate or inappropriate amount, or termination of payments or services) that was taken without the concurrence of the adoptive parent; or
- The failure of CP&P to act with reasonable promptness on an application for such payments or services.

Right to Representation 5-10-2010

The appellant has the right to have an attorney or another person, if approved by the Office of Administrative Law, present at the Hearing who may assist him or her to present his or her position.

Notified of Rights in Writing

5-14-2012

Notify the adoptive parent or applicant of his or her right to a Hearing and for representation through the forms listed below. The forms contain a hearings rights statement, explain the circumstances under which an appeal may be filed, specify the time frame to submit an appeal, and indicate to whom to send the request:

- CP&P Form 14-222, Notification of Adoption Subsidy Request Not Approved; and
- CP&P Form 14-227, Notification of the Termination of an Adoption Subsidy.

Time Frame and Place to Submit Appeal Request 5-14-2012

Upon notification via the CP&P Form 14-222 that an **adoption subsidy request is not approved**:

- The adoptive parent(s) may make a written request for an Administrative Hearing to the DCF Administrative Hearings Unit (AHU) within twenty (20) calendar days of the receipt of the letter that notifies him or her of a decision which adversely affects his or her child's application for subsidy benefits.

The adoptive parent(s) may send a written request to:

Administrator
Administrative Hearings Unit
Department of Children and Families
Office of Legal Affairs
50 East State Street
P.O. Box 717
Trenton, New Jersey 08625

- Upon receipt of the request, the AHU contacts the adoptive parent(s) advising him or her of the next steps in the appeal process.

Upon notification via the [CP&P Form 14-227](#) that an adoption subsidy has been terminated:

- If the adoptive parent(s) wishes to appeal the Division's determination, he or she completes the CP&P Adoption Subsidy Program Dispute Resolution Request Form (page 3 of the CP&P Form 14-227), and returns it to the Office of Adoption Operations within 20 calendar days of the receipt of the letter that notifies him or her of the determination. The adoptive parent sends the request to:

Department of Children and Families

Office of Adoption Operations
50 East State Street, 5th Floor
P.O. Box 717 (CC# 966)
Trenton, New Jersey 08625

- If the adoptive parent fails to return the appeal request form within 20 calendar days of the receipt of the letter/notice, the appeal is denied, and the termination of the subsidy becomes a Final Agency Decision appealable only to the Appellate Division of the State Superior Court.
- Upon receipt of the form, Adoption Operations staff conduct an administrative review of the request, and contact the adoptive parent to discuss the request in detail.
 - If the adoptive parent's request does not comply with appeal requirements, he or she may withdraw the request. However, the adoptive parent has the right to request that his or her appeal proceed to the Administrative Hearing Unit (AHU).
 - If the adoptive parent requests to proceed with the appeal, Adoption Operations staff forwards the request to the Administrative Hearings Unit (AHU).

Division Assistance

5-10-2010

A Division representative may help the appellant write his or her request when the appellant requests help.

Preliminary Efforts

5-10-2010

The appellant may request preliminary efforts to resolve the dispute. This request and preliminary efforts are not considered a prerequisite for an Administrative Hearing and can not delay, interfere with, or impede the processing of an Administrative Hearing request.

Role of Administrative Hearings Unit (AHU)

5-10-2010

The Administrative Hearings Coordinator (AHC) in the AHU:

- Transmits requests for Hearings which comply with the above provisions to the Office of Administrative Law (OAL).
- Notifies the appellant, in writing, of his or her right to be represented by an attorney or another person, if approved by the Office of Administrative Law, to assist him or her in presenting his or her position at the Hearing.

OAL Conducts Hearing

5-10-2010

The OAL conducts the Hearing as a "contested case" hearing pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1).

Division Director Issues Final Decision 5-14-2012

Following receipt of the Initial Decision from the OAL and the expiration of the comments period, the CP&P Director issues a Final Agency Decision that accepts, rejects, or modifies the Initial Decision.

The adoptive parent and any other parties of record receive a copy of the Final Agency Decision, N.J.A.C. 10:120A-2.7(f). The adoptive parent also receives notice of whether he or she has further appeal rights, N.J.A.C. 10:120A-2.8.

Other Forms 5-14-2012

- CP&P Form 14-222, Notification of Adoption Subsidy Request Not Approved
- CP&P Form 14-227, Notification of the Termination of an Adoption Subsidy